


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH SHAVERS,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 09-1377
	)	Judge Donetta W. Ambrose/
	)	Chief U.S. Magistrate Judge Amy Reynolds Hay
SUNFRESH FOOD SERVICE, INC.,	)	
Defendant.	)	

**ORDER**

AND NOW, this 25<sup>th</sup> day of June, 2010, after the plaintiff, Joseph Shavers, filed an action in the above-captioned case, and after a Motion to Dismiss was filed by defendant, Sun fresh Food Service, Inc., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until June 21, 2010, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss (Doc. 12) is DENIED.

  
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Donetta W. Ambrose  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

All Counsel of Record Via CM-ECF